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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 BARNARDO CRUZ-MOSQUERA,

10 Plaintiff,

11 v.

12 K. GURRIES, et al.,

13 Defendants.

3:10-CV-594-RCJ(VPC)

14 **ORDER**

15 Before the Court is the Report and Recommendation of the United States Magistrate
16 Judge (ECF No. 13) ("Recommendation") entered on June 14, 2011, in which the Magistrate
17 Judge recommends that this Court grant Defendants' Motion to Dismiss (ECF No. 9).

18 No objection to the Report and Recommendation has been filed.

19 **I. DISCUSSION**

20 This Court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Further, under 28 U.S.C.
22 § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation,
23 then this Court is required to "make a de novo determination of those portions of the [report
24 and recommendation] to which objection is made."¹ Nevertheless, the statute does not
25 "require[] some lesser review by [this Court] when no objections are filed." Thomas v. Arn, 474
26 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not required to conduct "any
27 review at all . . . of any issue that is not the subject of an objection." Id. at 149. Similarly, the

28 ¹ For an objection to be timely, a party must serve and file it within 10 days after being
served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C).

1 Ninth Circuit has recognized that a district court is not required to review a magistrate judge's
2 report and recommendation where no objections have been filed. See United States v. Reyna-
3 Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
4 district court when reviewing a report and recommendation to which no objections were made);
5 see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth
6 Circuit's decision in Reyna-Tapia as adopting the view that district courts are not required to
7 review "any issue that is not the subject of an objection."). Thus, if there is no objection to a
8 magistrate judge's recommendation, then this Court may accept the recommendation without
9 review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting, without review, a magistrate
10 judge's recommendation to which no objection was filed).

11 In this case, there have been no objections filed to the Magistrate Judge's Report and
12 Recommendation. Although no objection was filed, this Court has reviewed the Report and
13 Recommendation (ECF No. 13) and accepts it. Accordingly,

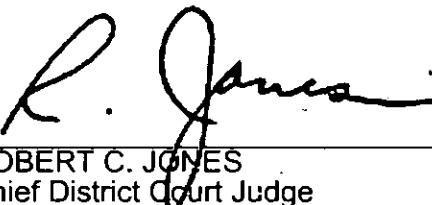
14 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 9) is
15 GRANTED.

16 IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 6) is DISMISSED
17 WITHOUT PREJUDICE.

18 IT IS SO ORDERED.

19 DATED: This 5th day of July, 2011.

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ROBERT C. JONES
Chief District Court Judge